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1986 Summary of Legislation

Affecting Municipalities

Enacted at the Second Session of the Thirty-Third
Legislature of the Province of Ontario



Ontario

Ministry of
Municipal Affairs

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Price: \$2.00

ISSN: 0317-8390

March 1987

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MINISTRY OF MUNICIPAL AFFAIRS

ONTARIO

This booklet is a summary of the legislation affecting municipalities that was enacted at the Second Session of the Thirty-Third Legislature of the Province of Ontario.

The booklet has two functions. First, it summarizes that legislation which is considered to be of particular interest to municipalities. This summary is prepared for the purpose of convenience only. For accurate reference, please consult the actual Statute.

Second, all amendments to those Acts included in the Ministry's publication, Legislation for Ontario Municipalities, are listed by section or subsection number. These amendments are either minor in nature or do not have a direct impact on municipalities. For additional information, please consult the actual Statute.



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SECOND SESSION, 33RD PARLIAMENT, 1986 - 1987

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ASSESSMENT AMENDMENT ACT, 1986

BILL 131

Royal Assent: December 18, S.O.1986, Chapter 69

Commencement: Royal Assent

1. **Amusement Rides:** A new paragraph 23 is added to section 3 of the Act to establish an exemption from taxation for rides in amusement parks, including any machinery, equipment, rails, supports and trestles used in their operation. The foundations on which they rest are also exempt from taxation.

2. **Grants by Minister of Municipal Affairs:** Section 2 of Bill 131 provides authority to the Minister of Municipal Affairs to make grants in 1987, 1988 and 1989 to compensate municipalities for revenue losses resulting from the exemption from taxation for rides in amusement parks.

3. **Business Assessment:** Subsection 7(1) is repealed and re-enacted and a new subsection 7(1a) added. The new provisions make it explicit that a person occupying or using land for the purpose of carrying on the business of a credit union, caisse populaire, stock exchange, commodity exchange or race track is to be assessed for business assessment notwithstanding that such businesses may not produce, or be intended to produce, a profit.

4. **Review of Pipe Line Assessments:** Subsection 24(17) is repealed and replaced. The purpose of this amendment is to end the triennial review of pipe line assessments so that the review may be conducted as part of any equalization of assessment in the municipality in which the pipe line is situate.

Note: The Act applies in respect of every assessment for taxation in the year 1987 and subsequent years.

ASSESSMENT AMENDMENT ACT, 1986

BILL 167

Royal Assent: December 18, S.O.1986, Chapter 71

Commencement: December 1, 1986

1. **Return of Assessment Rolls:** Subsection 63(1) is re-enacted to provide for the return of assessment rolls for municipal taxation at present levels of assessment except where a reassessment is introduced by proclamation at full market value or by equalization of assessment based on market value.

Amendments were also made to the following sections and subsections:

65(2)
68

69
70(1)

EDUCATION AMENDMENT ACT, 1986BILL 30Royal Assent: June 24, S.O. 1986, Chapter 21Commencement: Royal Assent

This legislation relates to the provision of secondary school education by separate school boards and, among other things, deals with such matters as the decision of a separate school board to perform the duties of a secondary school board; entitlement to share in legislative grants; separate school electors on public boards; exemption of separate school electors from payment of rates for public secondary school purposes; estimates and rates for separate secondary school purposes; continuation and functions of the Planning and Implementation Commission; and transfers of use or ownership of real and personal property between public boards and Roman Catholic School Boards.

Some of the amendments have a bearing on the role of the municipal clerk in the conduct of municipal and school board elections.

Amendments were made to the following sections and subsections:

1(1)	136a-y
126(9)	186

Sections 136r to 136x are repealed July 1, 1995.

EDUCATION AMENDMENT ACT, 1986BILL 75Royal Assent: July 10, S.O. 1986, Chapter 29Commencement: October 1, 1986 except:subsections 13(3) and (4): December 1, 1988

This legislation provides for governance of French-language instruction where English is the language of the majority and for governance of English-language instruction where French is the language of the majority.

Clause 277c(a), Part XI-A, defines "board" as meaning a board of education, other than a board of education for an area municipality in The Municipality of Metropolitan Toronto, the members of which are elected under the Municipal Elections Act.

"Regular election" has the same meaning as in the Municipal Elections Act.

The legislation establishes rules for determining the number of members of the French-language section of a board, qualification of members; qualification of electors; election of members; areas of representation; and procedures for filling vacancies.

These changes will impact on the role of the clerk in the conduct of municipal and school board elections.

Complementary amendments have been made to section 19 and subsection 49(1) of the Municipal Elections Act and to subsection 116(1), sections 120a-i, and subsections 121(2) and (3) of the Municipality of Metropolitan Toronto Act.

Amendments were made to the following sections and subsections of the Education Act:

257a	258(1)
259	260
262(1-3)	262(4-5,9,10)
266(1)	268(1,1a-d,5-7)
272(2-5)	274
274(b)	277c-za)

ENVIRONMENT ENFORCEMENT STATUTE LAW AMENDMENT ACT, 1986

BILL 112

Royal Assent: December 18, S.O.1986, Chapter 68

Commencement: Royal Assent

This legislation restructures the enforcement provisions of the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act.

1. **Part I - Environmental Protection Act:** A new subsection 1(3) has been added to provide that a municipality convicted of an offence under the Act is liable to the penalty provided for a corporation convicted of the offence.

2. **Part II - Ontario Water Resources Act:** Subsection 2(2) is re-enacted to provide that the Minister of Housing or such other member of the Executive Council to whom the administration may be assigned is responsible for the administration of the plumbing provisions contained in sections 45, 46, 47 and 48 of the Act.

Subsections 23(5) and (8), subsection 24(5) and subsection 32(2) are re-enacted to remove the exemption of municipalities. The amendments complement the new enforcement provisions and provide that every municipality or person that fails to comply with any direction or order given or made by a Director or contravenes any of the terms and conditions of the approval granted by a Director is guilty of an offence.

A new section 66 is added to provide that every municipality or person that contravenes the Act or regulations, fails to comply with an order, notice, direction, requirement or report made under the Act, or contravenes a term or condition of a licence, permit, approval or report made under the Act is guilty of an offence. These provisions, however, do not apply in respect of subsections 44(4) or 46(3) of the Act.

New sections 67 to 72, inclusive, outline the penalties and other actions that may be imposed for contravention of the legislation and regulations and the failure to comply with any order, notice, direction, etc. made under the Act.

A new section 73 specifies that an action by an officer, employee or agent of a municipality, a corporation or other employer in the course of employment is deemed to be the action of the municipality, corporation or other employer for the purposes of the Act and the regulations.

III. Part III - Pesticides Act: Section 8 is repealed and replaced. This section relates to the liability of an employer and is re-enacted to be consistent with similar sections set out for the Environmental Protection Act (section 146f) and the Ontario Water Resources Act (section 73).

Amendments were also made to the following sections and subsections of the above Acts:

Environmental Protection Act:

1(1)	4(1-3)
6	47
78(1-2)	78a(1-2)
79(1)(a)	Part X-A, 119a-f
125	126(2)
135(1-3)	136(9)
141	144(2)
146(1-4)	146a-f
147(1-4)	147a(1-3)

Ontario Water Resources Act:

1	1a
2(2)	7(4)
10(4)	16(1,2,4)
17(2,3)	18(2)
19(2)	20(8)
22q	23(2,6)
24(2)	24(7)
31	32(2)
33(2)	43(12)
44(1,2,4)	50
51(3)	52(2)
56(2)	59
74	75

Pesticides Act:

1(1)	
34(1-3)	34a
34a(1-2)	34b-e,g
36	37

LINE FENCES AMENDMENT ACT, 1986BILL 23Royal Assent: November 18, S.O.1986, Chapter 47Commencement: Proclamation

1. **Fence-viewers:** Section 2 of the Act is repealed and re-enacted to enable local municipalities to fix the remuneration of fence-viewers on a daily or hourly rate or for each attendance or re-attendance.

2. **Prescribed Form:** Subsection 4(1) is amended so that owners desiring fence-viewers to attend at their lands will be required to give notice in the prescribed form to the municipal clerk.

3. **Postponement:** A new section 4a has been added to authorize the municipal clerk to postpone proceedings that require the attendance or re-attendance of fence-viewers if in the clerk's opinion weather conditions or ground conditions make it impracticable to attend or re-attend at an arbitration or other proceeding.

Municipalities also have authority to postpone proceedings during the winter months.

4. **Matters to be considered in making awards:** Subsection 7(2) is repealed and re-enacted to provide that the benefit to both owners of having the boundary between their lands marked by a fence must, in addition to the other matters set out, be considered by the fence-viewers.

5. **Appeal Procedures:** Sections 9 and 10 are repealed and section 9 has been re-enacted. The new section 9 replaces the present appeal procedure before a judge of the small claims court with an appeal to a referee appointed by the Lieutenant Governor in Council.

6. **Administrative Fees:** A new section 16a is added to authorize municipalities to fix reasonable administrative fees in relation to proceedings under the Act and to allow them to recover reasonable administrative expenses from the parties concerned.

7. **Public Highways:** Section 24 is repealed and replaced. The Act does not apply to public highways and the re-enactment of section 24 extends this to exclude reserves abutting public highways. Under subsection 24(2) municipalities may enter into agreements with abutting owners to erect fences to mark the boundary between a public highway and abutting lands.

8. **Effect of Municipal By-law:** Section 25 is repealed and re-enacted to provide that the Act does not apply to land in an area that is subject to a by-law passed under paragraph 20 of section 210 of the Municipal Act.

9. Appeals Divisions: New sections 25a and 25b have been added to provide that the Lieutenant Governor in Council will establish one or more appeals divisions in the Province. There will be one referee and, if necessary, one or more deputy referees for each appeals division.

The clerk of the local municipality in which the lands that are the subject of the appeal are situate will be the clerk for an appeal. The local municipality will provide a room for the appeal hearing and will also supply support services related to an appeal. Additional support services will be supplied by the Ministry of Municipal Affairs.

10. Regulations: Section 27 is re-enacted to provide that the Lieutenant Governor in Council may make regulations for determining how costs shall be apportioned, the manner in which they shall be recovered, providing for appeals to a referee, prescribing appeals divisions and their territorial limits and the place at which notices may be served, and prescribing fees, the maximum limits of administrative fees, the remuneration to be paid to referees and deputy referees, and what may be included in determining the costs of proceedings.

11. Restricted Application of Municipal By-law: A new clause (a) is added to paragraph 20 of section 210 of the Municipal Act to permit a municipality to designate areas where by-laws related to the apportionment and recovery of costs of line fences are to operate.

Amendments were also made to the following sections:

1(1)(a), (ca)	13(8)
1(4)	14(1)
8	18(1)

MUNICIPAL AMENDMENT ACT, 1986BILL 79Royal Assent: July 7, S.O. 1986, Chapter 24Commencement: Royal Assent

1. **Assistance Prohibited:** Section 112 is re-enacted to prohibit municipalities providing bonuses in aid of any manufacturing business or of any industrial or commercial enterprise by giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; and giving a total or partial exemption from any levy, charge or fee.

This prohibition does not apply to a council that is exercising any of its power or authority under subsection 28(6) or (7) of the Planning Act, 1983 where the Minister's approval has been obtained.

2. **Small Business Counselling:** A new section 112a permits municipalities to establish programs to counsel small businesses operating or proposing to operate in the municipality.

Municipalities may establish and maintain programs to encourage the establishment and initial growth of small businesses in the municipality and may participate in programs established and administered by the Ministry of Industry, Trade and Technology.

MUNICIPAL STATUTE LAW AMENDMENT ACT, 1986BILL 179Royal Assent: February 12, S.O. 1987, Chapter 10Commencement: Royal Assent

This Act amends the Municipal Act and certain other Acts related to municipalities.

Municipal Act:

1. "Regular Election": Paragraph 22 of section 1 has been re-enacted to delete an obsolete reference to biennial elections.

2. Unorganized Territory: Paragraph 28 of section 1 is repealed.

A new subsection (2) has been added to section 1 to clarify that a local municipality is in unorganized territory if it is in a territorial district mentioned in the Territorial Division Act and if it is not in The District Municipality of Muskoka or The Regional Municipality of Sudbury.

3. "Councillor": A new subsection 30(9) has been added to provide that a city council may designate its members of council, other than the mayor and members of the board of control, to be "councillors" rather than "aldermen". Other amendments to section 30 are complementary to the enactment of subsection 30(9).

4. Vacant Seats: Section 48 is repealed and replaced to clarify that:

- (a) an order declaring vacant the seats of the members of a council or local board may be made sixty days after the last meeting at which a quorum was not present;
- (b) an order under this section must declare all of the seats vacant; and
- (c) the new election shall be held in accordance with section 92 of the Municipal Elections Act.

5. Acting Head: Section 59 is repealed and subsection 2 of section 72 re-enacted in order to consolidate and simplify the provisions relating to the appointment of an acting head of council.

6. Transfer of Documents to Archivist: Subsection 77(4) is repealed.

A new section 78a authorizes municipalities and local boards to transfer their documents to the Provincial Archivist.

A new section 78b provides for the receiving in evidence of documents of a municipality that are in the possession of the clerk or the Archivist.

7. Costs of Municipality in any Proceeding: Subsection 98(5) is repealed and re-enacted to make it clear that costs may be awarded to a local board in proceedings in which the local board is represented by a lawyer who is a salaried officer of the local board or of a municipality acting on behalf of the local board.

8. Retirement Allowances: The re-enactment of subsection 100(1) deletes the restriction on payments under section 100 whereby an allowance paid under the section cannot exceed three-fifths of the employee's average annual salary for the final three years of service.

Subsection 100(5) is repealed.

9. By-laws under special Acts: Subsection 117(7) has been added to provide that the approval of the Minister or the Ministry is not required to amend any by-law of a municipality related to an approved pension plan.

10. Synopsis of By-law: Subsections 132(2) and 137(2) are repealed and replaced with more concise provisions. Numerous requirements have been deleted related to the publishing of a synopsis of a by-law.

11. Special Power of County to Borrow: Section 151 is repealed as it imposed an unnecessary restriction on the borrowing powers of counties.

12. Pension By-laws: Clause (b) of paragraph 46 of section 208 is repealed. This deletes the requirement for Ministry approval of pension by-laws.

13. Insurance, hospitalization, etc. Paragraphs 48 and 49 of section 208 are repealed and replaced.

Under paragraph 48, municipalities and local boards have authority to make payments on behalf of retired employees in respect of group life insurance and to make payments on behalf of retired employees and their spouses and children with respect to accident, sickness and medical insurance.

Paragraph 49 allows municipalities and local boards to make payments on behalf of retired employees with respect to hospital care and health services insurance under the Health Insurance Act.

14. Leashing of Dogs and Dog Waste: New paragraphs 6a and 6b are added to section 210 to authorize municipalities to pass by-laws related to the leashing of dogs and the removal of dog excrement.

15. Repeal of By-laws Related to the Closing of Retail Gasoline Service Stations: Subsection 211(17) is re-enacted and subsection 211(18) is repealed. These amendments eliminate the requirement that more than one-third of the occupiers of retail gasoline service stations must oppose certain types of service station closing by-laws before the municipality can repeal them.

16. Gypsy Moth Control: Subsection 225a(1) is amended to permit all upper tier municipalities, all cities and all separated towns and townships in counties and all local municipalities in unorganized territory to establish and operate gypsy moth control programs. Prior to this amendment, only counties had this power.

17. Expenses for Entertaining Guests, etc.: The re-enactment of section 253 authorizes municipalities to expend money to celebrate any event or matter of interest or importance. Previously, such events or matters had to be of national or international interest or importance.

18. **County Bridges and County Roads:** Several amendments have been made to the provisions relating to county bridges and county roads. The principal purpose of the amendments is to delete the authority of county councils to erect bridges on highways that are not part of the county road system and to provide a mechanism whereby county councils, with the consent of the local municipality or municipalities, may transfer their jurisdiction over existing bridges that are not on the county road system back to the local municipality or municipalities that have jurisdiction over the highways on which the bridges are situate.

The requirement that a county must upgrade a township road immediately after the county assumes jurisdiction over the road is deleted.

The specific sections and subsections that have been amended in respect of county bridges and county roads are:

261	262
263	266
270(1,7)	273
274	275
276	277
278	

19. **Approval of Judge:** Subsection 298(6) is repealed. This deletes the requirement for a judge's approval of by-laws closing highways in townships in unorganized territory and in townships that are separated from the counties in which they are situate.

Subsections 298(3) and 298(7) have been re-enacted to complement the repeal of subsection 298(6).

20. **Noise Abatement Works:** A new section 309a has been added to provide that every municipality, including a metropolitan, regional and district municipality and the County of Oxford, may pass by-laws to construct noise abatement works on the untravelled portion of any highway. Municipalities will be able to undertake the works as a local improvement work.

Complementary amendments have been made to the Local Improvement Act.

21. Sale of Closed Highway: Section 316 is re-enacted to incorporate and revise the provisions now found in section 57 of the Surveys Act related to the closing and sale of highways on plans of subdivision.

Amendments were also made to the following sections and subsections of the Municipal Act:

30(1,2,8-13)	87(2)
120	126(3)
127	135
148(4)	208,para.58,58a
210,paras.71,125(d)	210,para.136
225,paras.2,3(a)	225a(3,5,6)
298(12-15)	325

Local Improvement Act:

1. Noise Abatement: Clause (s) is added to subsection 2(1) to add noise abatement works to the list of works that may be undertaken as a local improvement.

Subsection 27(1) is repealed and replaced to authorize a municipality to pay part of the cost of noise abatement works constructed as a local improvement.

Amendments to subsections 31(1) and 32(1) authorize municipalities to assess owners other than those whose land abuts directly on noise abatement works for a share of the cost of the works.

Subsection 68(2) is amended to add noise abatement works to the list of works that may be financed partly by assessing only the lands abutting the works and partly by assessing all of the lands in a defined area.

Amendments were also made to subsections of the following Acts to complement the re-enactment of section 48 and the enactment of subsection 30(9) of the Municipal Act:

Municipal Elections Act:

44(3)	92(1)
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Municipality of Metropolitan Toronto Act:

5(2)(a)(iii)	5(2)(b)
5(4)	152(1)(c)
152(2)	152a(1,4,6,7)

Regional Municipality of Niagara Act:

3(1,1a)

Regional Municipality of Sudbury Act:

3(1),para.1

6(b)

Surveys Act:

57(2-9)

RENTAL HOUSING PROTECTION ACT, 1986

BILL 11

Royal Assent: July 10, S.O. 1986, Chapter 26

Commencement: Royal Assent

The Rental Housing Protection Act, 1986, prohibits rental residential property from being demolished; converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use; converted to a co-operative form of ownership; renovated or repaired if vacant possession of a rental unit would be required; or severed under section 52 of the Planning Act, 1983, unless the municipality in which the property is located gives its approval.

The legislation also prohibits the sale of any interest or share in a co-operative form of ownership of rental residential property if such interest or share grants the exclusive right to possession of any rental unit unless the approval of the municipality has been obtained or the property is exempted by regulation.

Applications for approval must be made in writing to the council of the municipality. Section 7 sets out the procedures and requirements for processing applications.

An appeal from the decision of the council may be made to the Ontario Municipal Board. A party to the Board hearing may further petition to the Lieutenant Governor in Council.

Transitional provisions are set out in section 10 of the Act.

The Act will be repealed on June 30, 1988.

SHORELINE PROPERTY ASSISTANCE AMENDMENT ACT, 1986

BILL 43

Royal Assent: July 7, S.O. 1986, Chapter 22

Commencement: Royal Assent

1. **Building Relocation:** A new section 1a permits building relocation loans to be made where the owner proposes to move the building from one parcel of land to another.

References to loans for building raising, building relocation and building repairs have been added to Part I and the heading of this Part changed to **Loans in Municipalities**. The heading previously referred to "Rehabilitation and Protection Loans".

The legislation also clarifies that loans may not be made until an inspector has filed an inspection and completion certificate.

2. **PART II:** Part II of the Act has been re-enacted and relates to loans for the construction of works, building raising, building relocation and building repairs in territory without municipal organization. This program is administered by the Minister of Municipal Affairs. Application and collection procedures are set out in sections 12 and 13 of the Act. Section 13a sets out inspection requirements.

Amendments were made to the following sections and subsections of the Act:

1	1a
2(1)	3(1,8,9)
4	4(1-3)
11	12(1-8)
13(1-9)	13a
14(b,d)	

UPDATE SERVICE

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